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In re Application of :
LEE, Jae-Ryung :
Application No.: 09/869,880 :
PCT No.: PCT/KR00/01297 :
Int. Filing Date: 13 November 2000 :
Priority Date: 12 November 1999 :
Attorney Docket No.: A34453 PCT USA :
For: RESIN-COATED SHEET FOR FUEL :
TANKS OF AUTOMOBILE AND :
METHOD OF FABRICATING THE :
SAME :

DECISION ON

PETITION

UNDER 37 CFR 1.55(c)

This decision is in response to applicant's "Petition to Accept Delayed Claim For Priority Under 35 U.S.C. §119," filed on 10 October 2002.

BACKGROUND

On 13 November 2000, applicant filed international application PCT/KR00/01297. A copy of the international application was transmitted to the Office on 17 May 2001. The deadline for entry into the national stage in the United States is twenty months from the priority date, or 12 July 2001.

On 09 July 2001, applicant filed a submission for entry into the national stage in the United States which was accompanied by the basic national fee and a declaration of the inventor.

On 16 August 2001, the Office mailed a Notification of Acceptance (Form PCT/DO/EO/903) indicating that the application's 35 U.S.C. 371 dates were 09 July 2001.

On 05 June 2002, the Office mailed an Office Action.

On 10 October 2002, applicant filed the instant petition.

DISCUSSION

In the 05 June 2002 Office Action, Examiner Ahmed noted that the declaration did not make mention of the foreign priority application. The examiner went on to indicate that if the

applicant did not timely make a claim of priority to the application, such priority claim was waived. However, the examiner advised that applicant could petition to have the claim added after the time limit had passed.

The claim of priority to the foreign application under 35 U.S.C. 119 was timely made. However, as indicated by Examiner Ahmed, the declaration did not reference the priority application. This is a defect in the declaration, not a defect in the priority claim. Applicant may submit a declaration or application data sheet with the proper priority claim. Such a submission with the proper priority claim may be required later.

The \$1280 fee for this petition will be refunded to deposit account no. 02-4377, as requested by the petition.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.55(c) is **DISMISSED AS MOOT**.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being returned to Group Art Unit 1773 for continued processing.



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